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CONSIDERATION OF THE FINAL OUTCOME OF THE WORLD CONFERENCE, TAKING INTO CONSIDERATION THE PREPARATORY WORK AND THE CONCLUSIONS OF THE REGIONAL MEETINGS

Note by the Secretariat

1. In its resolution 46/124 of 17 December 1991, the General Assembly declared itself convinced of the significant role that institutions at the national level can play in protecting and promoting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms.

2. The Assembly further recalled the recommendations contained in its resolution 45/155 of 18 December 1990 and Commission on Human Rights resolution 1991/30 of 5 March 1991 inviting the Preparatory Committee for the World Conference on Human Rights to examine ways and means by which the World Conference could encourage the establishment or strengthening of national institutions. It reaffirmed the importance of the development, in accordance with national legislation, of effective institutions for the promotion of human rights and of maintaining their independence and integrity, and in this connection it encouraged Member States to establish or, where they already existed, to strengthen national institutions and incorporate those elements in national development plans.

3. The General Assembly further noted the progress made in that area in the past few years and the increased number and effectiveness of national institutions for the promotion and protection of human rights in all parts of the world.

4. It should be recalled that, in order to meet the wishes of the General Assembly, the Preparatory Committee, at its second session and pursuant to rule 64 of the rules of procedure of the World Conference, approved the participation of national institutions in the deliberations of the Conference as observers.

5. With a view to contributing to analysis of the ways and means by which the Conference could encourage the establishment or strengthening of national institutions, the Secretariat has prepared this series of documents on the basis of the contributions provided by the national institutions of Australia, Mexico and Tunisia.

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Preparatory Committee
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Item 6 of the provisional agenda

REPORT ON OTHER MEETINGS AND ACTIVITIES

Note by the secretariat

Contribution of the Higher Committee on Human Rights and Fundamental Freedoms of the Republic of Tunisia

The attention of the Preparatory Committee is drawn to the attached contribution from the Higher Committee on Human Rights and Fundamental Freedoms of the Republic of Tunisia.

GE.93-13671 *(E)

HIGHER COMMITTEE ON HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

April 1993

I. Why set up a Higher Committee on Human Rights and Fundamental Freedoms?

"... Of our own free will we have chosen the path of reform and democracy. In doing so, we have taken into account only the aspirations of our people to a more developed and healthier political life...

"... We have adopted a number of measures to improve the political climate, to restore confidence and faith in the future, and to encourage hope and optimism ...

"... Convinced that the opposition has a role to play in supporting the project for change by accepting its responsibilities, we have not hesitated to support it, ... to open the door for its participation ...

"... We have, at the same time, concentrated our efforts on strengthening the attributions of civil society and of the State governed by the rule of law ...

"... In order to strengthen human rights and to implement more effectively the principles of the United Nations proclaimed and established in the various relevant international conventions that have been ratified by Tunisia, we have decided to establish a Higher Committee on Human Rights and Fundamental Freedoms, which will be responsible for deeper analysis of those rights and freedoms, and for enhancing the moral dimension inherent in them, in the light of political and social developments. The composition of the Committee will in a balanced manner reflect the plurality of opinions within civil society. It will thus be a faithful mirror of social reality, placing itself above political divisions and intellectual sensitivities ..."

It was in this recapitulation of his human rights policy and with those words that the President of the Republic, in an address delivered on 7 November 1990, announced the establishment of the Higher Committee on Human Rights and Fundamental Freedoms.

In fact, the concept of human rights has always been present in the Tunisian Constitution and laws. The Constitution refers specifically to human rights in its preamble. It guarantees in particular:

The inviolability of the human person and freedom of conscience (art. 5);

The freedoms of opinion, expression, the press, publication, assembly and association (art. 8);

The inviolability of the home and the privacy of correspondence (art. 9);

The presumption of innocence of every accused person until his guilt has been established following a procedure that offers him the essential guarantees for his defence (art. 12).

Tunisia has resolutely adhered to the universal humanitarian guidelines, having signed and ratified virtually all the international human rights instruments. It is a signatory of, inter alia, the International Covenant on

Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and has ratified the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment, without reservation. It has also ratified the Convention on the Elimination of All Forms of Discrimination against Women, and the Conventions relating to the suppression and punishment of the crime of racial segregation, the Convention on the Rights of the Child and other specific international conventions. Tunisia is also one of the authors of the African Charter on Human and Peoples' Rights, which it has duly ratified.

All these Conventions have been promptly published in the Journal Officiel of the Republic of Tunisia and every citizen may study them and refer to them, if necessary, before the proper authority. It will be recalled that article 32 of the Tunisian Constitution establishes that international conventions ratified by Tunisia shall take precedence over Tunisian legislation.

However, in any country, including the most democratic countries in the world, despite efforts to prevent any form of violation of fundamental human rights, some abuses are liable to occur. In order to put an end to them, the most senior governmental authorities must be accurately informed so that they may take the necessary measures to prevent them. In Tunisia, this was the objective sought in establishing the Higher Committee on Human Rights and Fundamental Freedoms. The establishment of this Committee also represents a response to the recommendations of the United Nations inviting Member States to establish bodies of this kind in order to implement the principles contained in the Universal Declaration of Human Rights.

II. Status of the Committee

The Higher Committee on Human Rights and Fundamental Freedoms was established by Presidential Decree No. 91-54 of 7 January 1991, as published in the Journal Officiel of the Republic of Tunisia of 11 January 1991 (see annex 1). This Decree was amended and supplemented by Presidential Decree No. 92-2141 of 10 December 1992, as published in the Journal Officiel of 28 April-1 May 1992 (see annex 2).

The Committee's inaugural meeting was held on 9 April 1991, at a ceremony presided over by the Head of State, on the occasion of the fifty-third anniversary of 9 April 1938, celebrated as the Day of the Martyrs, who died calling for a democratic constitution.

II.1. Role of the Committee

The role of the Committee as defined in article 2 of the Decree establishing it, is "to assist the President of the Republic in consolidating and promoting human rights and fundamental freedoms, and to do so by:

Giving its opinion on questions submitted to it by the President of the Republic concerning human rights and fundamental freedoms;

Submitting to the President of the Republic proposals for strengthening and promoting human rights and fundamental freedoms;

Submitting to the President of the Republic proposals for strengthening and promoting human rights and fundamental freedoms;

Conducting studies and research in the sphere of human rights and fundamental freedoms;

Executing all assignments entrusted to it by the President of the Republic in this sphere".

Article 2 bis of the Decree of 10 December 1992 further states: "By special mandate of the President of the Republic, the Chairman of the Committee shall undertake visits to prisons and young people's detention and surveillance centres in order to ascertain the extent to which the laws and regulations governing police custody, imprisonment, and the detention or surveillance of minors are being complied with.

After each inspection, the Chairman of the Committee shall submit a report to the President of the Republic".

II.2. Composition of the Committee

Under the terms of the decrees governing it, the Committee shall be composed of:

A. Ten to 14 eminent persons nationally reputed for their honesty, experience and competence in the sphere of human rights and fundamental freedoms, two of whom shall be members of the Chamber of Deputies;

B. Eight eminent persons known for their work in the sphere of human rights and fundamental freedoms and who are members of the most important committees and associations involved in this area of activity;

C. One representative of each of the following Ministries: Justice, Foreign Affairs, the Interior, Education and Science, Culture, Public Health, Social Services, Youth and Children, and the State Secretariat for Information.

The members of the Committee are appointed by presidential decree.

The Chairman of the Committee is also appointed by presidential decree.

II.3. Rules of procedure and methods of work of the Committee

The Committee drew up its rules of procedure, which were approved by Presidential Decree No. 92-712 of 11 April 1992 and published in the Journal Officiel of 28 April-1 May 1992 (annex 3).

The Committee's methods of work derive from its rules of procedure:

Meetings:

Pursuant to rule 1 of the rules of procedure, the Committee holds two regular sessions a year.

However, it may hold special meetings whenever the need arises on the initiative of its Chairman or at the written request of at least one third of its voting members. On this point it should be noted that the representatives of the ministerial departments do not have the right to vote.

Under the terms of rule 3, the agenda for the meeting is decided by the Chairman of the Committee or, in his absence, by its senior member, in consultation with the other members.

Regarding the list of questions to be considered and their order of consideration, priority is given to those which are submitted by the President of the Republic, and to any missions which he assigns to the Committee.

In accordance with the provisions of rule 4, the presence of at least half of the members entitled to vote shall be required for a meeting to be valid. If there is no quorum at the first meeting, the meeting will be postponed. The second meeting is considered to be valid regardless of the number of members present.

The Committee expresses its views and makes proposals by consensus or, failing that, by a majority of the voting members present. In the event of a tied vote, the Chairman has a casting vote (rule 5).

One of the members present is appointed by the Chairman to take the minutes of the meeting. The Committee's meetings are confidential (rule 6).

Working groups:

Pursuant to rule 7, the Committee may form working groups to prepare preliminary studies on any question submitted to it. Each member may participate in one or more working groups.

Direct contacts:

The Chairman of the Committee holds working meetings with senior officials at all levels - ministers, advisers to the President of the Republic, judges, civil servants, etc. - in order to impart and receive information on questions falling within the Committee's competence, and for guidance in or the solution of certain cases.

The Committee also receives the grievances of detainees, their families and other citizens concerning questions which they consider to be within its competence.

Inspections:

As stated earlier, by special mandate of the Head of State, the Chairman of the Committee, if necessary with the cooperation of other members, undertakes visits to prisons, surveillance centres, etc. in order to ascertain whether the laws and regulations in force are being complied with.

Consultations:

The Committee may consult any specialist in a particular field whose opinion may be of value in the light of his experience concerning a question before it (rule 7).

Reports:

An annual report on the Committee's activities is submitted to the President of the Republic in April of each year.

The work of the Committee is organized and directed by its Chairman, who also acts as its spokesman. He sends out notices of meetings and, in consultation with the other members, draws up the agenda. He presides over meetings, maintains order, ensures the orderly conduct of voting where necessary, and closes the proceedings. He also ensures that records of meetings are kept. With the assistance of the chairmen of the working groups and rapporteurs, he prepares an annual report on the Committee's activities and submits it to the President of the Republic.

III. Activities

During the first year of the Committee's existence, its activities mainly comprised study of the role that it was called upon to play, the drafting of its rules of procedure, and a review of the international conventions ratified by Tunisia and of the country's undertakings on human rights and fundamental freedoms.

In 1992, the Committee's activity was intense and particularly auspicious. It was called upon to consider the main questions of current national interest, especially those concerning the consolidation of democracy, and the promotion of human rights and fundamental freedoms and economic rights.

The Committee is continuing and diversifying its activity in the current year.

III.1 Ongoing activities

Meetings:

The Committee held four meetings in 1991. The main items on the agenda at these meetings were:

Study of the international conventions relating to human rights and fundamental freedoms;

The Committee's role;

The Committee's draft rules of procedure.

The Committee held seven meetings in 1992, during which its members turned their attention mainly to the following questions:

The progress of the studies entrusted to it by the Head of State;

Expansion of the Committee's role;

The situation of prisons in Tunisia;

The problems of detainees who have lost their job after a period of pre-trial detention, even though acquitted;

The recommendations of the commission of inquiry;

Preparation of the annual report on its activities.

Studies:

In his note of 28 January 1992 to the Chairman of the Committee, the President of the Republic invited the Committee to consider the following topics and to transmit studies and opinions on them:

1. The situation regarding economic, social and cultural rights in Tunisia in the light of the reports to be submitted to the United Nations;

2. The threat to human rights posed by extremist religious trends in the Maghreb, Arab and Mediterranean regions;

3. How further to strengthen the rights of women in Tunisia;

4. The method of voting that would be appropriate for introduction into the existing electoral system;

5. Possible amendments to the Press Code.

Five study groups were set up, each with responsibility for studying one of the above-mentioned topics and drawing up a report.

The studies on strengthening the rights of women, the method of voting and amendments to the Press Code have been completed and the results submitted to the President of the Republic.

The study on the situation regarding economic, social and cultural rights in Tunisia and that relating to the threat posed by extremist religious trends are in progress.

A sixth working group was set up in 1992 to examine matters relating to individual freedoms. It is deliberating on, inter alia, the provisions of the Constitution on individual freedoms and inviolability of the person (freedom of movement, freedom of opinion, freedom of expression, inviolability of the home, independence of the judiciary, etc.).

Activity on behalf of detainees and their families:

This activity does not, officially, fall within the terms of reference of the Committee. In 1992, however, it dealt with 292 cases concerning individuals or families faced with social problems which they considered to be related to human rights: detention, education, etc. Among the problems raised, we may mention, by way of example, the health of detainees, change of prison to bring the detainee closer to the family home, search for a family member apprehended in Tunisia or elsewhere, requests for financial assistance, requests for intervention in securing stay of execution on an expulsion order, etc.

III.2. Particular activities

The commission of inquiry:

The commission of inquiry was set up, by order of the President of the Republic, following the distressing events experienced in Tunisia on account of the activities of supporters of the unrecognized "Ennahdha" movement. The supporters of this extremist movement had undertaken activities and organized violent demonstrations that had been marked by many attacks on individuals, attacks that had resulted in death in some instances, and had caused the destruction of public property and administrative buildings, since they had been directed against educational institutions: (schools and faculties).

Confronted with this situation, the national security forces made arrests that led to the discovery of a serious conspiracy to overthrow the Government by force. A number of national and international organizations such as the Tunisian League for the Defence of Human Rights and Amnesty International followed these events and requested clarification of the complaints that they had received concerning certain irregularities allegedly committed against certain arrested persons and their families.

Consequently, at a restricted meeting of the Council of Ministers held on 20 June 1991, that was attended by, in addition to the Government members concerned, the Chairmen of the Higher Committee on Human Rights and the League for the Defence of Human Rights, and Tunisian public figures concerned with human rights, the President of the Republic decided to set up a commission of inquiry to shed light on the allegations being circulated concerning certain abuses of human rights. He entrusted the Chairman of the Higher Committee on Human Rights with the task of heading the commission and selecting its members.

The commission, set up on 25 June 1991 as an offshoot of the Committee, has two lawyers and two physicians among its members.

It met 14 times during the months of June, July, August and September 1991 and had several contacts with public officials, the officers of humanitarian associations, and families and individuals concerned. In addition, members of the commission made visits to prisons.

The Commission took as the starting point of its investigations the provisions of the Tunisian Constitution guaranteeing the inviolability of the person of the citizen and of his home, and the right to defence to safeguard human dignity and guarantee freedom and justice. It also based itself on international conventions, in particular the United Nations Charter and the International Convention against Torture, and on Tunisian law, including the Code, and the laws on police custody, pre-trial detention and the prison system.

It completed its work and drew up a report, which was submitted to the President of the Republic on 19 October 1991. A summary of this report was published by the media.

The commission arrived at the following conclusions and recommendations:

1. Irregularities had indeed been committed and were impossible to gloss over, especially since they constituted individual acts at variance with State policy and the directives of the President of the Republic. However, the allegations by some families that detainees who were their close relatives had been the victims of irregularities had no foundation, as was proved by the testimony of the detainees themselves and that of their physicians. The commission was informed of the judicial inquiries into these irregularities and of the disciplinary measures taken against their perpetrators.

2. While carrying out its assignment, the commission received complaints from families who had not known for some time where their close relatives were being held in detention. Furthermore, the lawyers were unable to make contact with the detainees during that period, although such contact was necessary in order to enable the families to have news of their relatives and the lawyers to follow the case.

3. The Republic of Tunisia is regarded as a pioneer in matters of human rights and must be at pains to keep that reputation and to deal with all aspects of violence in accordance with the law.

4. To that end, the commission submitted the following proposals:

(a) To make the policy of the State and its honourable achievements in the sphere of human rights widely known both domestically and abroad, stressing that the perpetrators of irregularities will be punished following a thorough inquiry and that cases of irregularities dealt with should be brought to the attention of the public;

(b) To publicize the content of charters and laws relating to human rights and, in so doing, to warn against the consequences of their violation, providing details of cases of irregularities and the sanctions provided for in the various international instruments and the laws of the Tunisian State;

(c) To set up machinery to monitor the implementation of the text of international conventions and to initiate proceedings in exceptional individual cases;

(d) To disseminate more widely the principles and rules of human rights through education, instruction, culture and information at all levels;

(e) To strengthen cooperation with the human rights organizations and to recommend them to coordinate their efforts, stressing that positive action in support of human rights must not be subject to any consideration of a political nature;

(f) To examine the laws and improve them, so as to strengthen the protection of human rights.

The report on the extent to which the recommendations of the commission of inquiry had been implemented:

A few days after the commission's report had been transmitted, the President of the Republic, in a speech on 7 November 1991, reaffirmed his commitment to human rights and announced his intention of working to strengthen them and to guarantee their effective exercise as an integral part of the civilizing plan of the State. He announced that he had ordered a judicial inquiry into the reported irregularities, in accordance with the recommendations contained in the report of the commission of inquiry.

Subsequently, the Chairman of the Committee was entrusted, by special warrant of the President of the Republic (letter of 17 April 1992), with drawing up a report on the extent to which the recommendations of the commission of inquiry had been implemented. This involved the Chairman of the Committee in much varied activity, including:

Working meetings with members of the Government, magistrates and senior officials concerned with the implementation of presidential decisions, pursuant to the recommendations of the commission of inquiry;

Inspections of a number of police stations and National Guard facilities;

Inspections of a number of detention centres;

Contacts with senior officials in the Department of Security;

Meetings with a number of detainees.

A report on the extent to which the recommendations of the commission of inquiry had been implemented was submitted to the President of the Republic on 13 July 1992. The report was at once printed in its entirety and made public (see chapter IV).

The Committee was also entrusted with other responsibilities by special warrant of the Head of State.

We shall make special reference to the inspection of Manouba women's prison.

Certain irregularities were noted during the visit made by the Chairman of the Committee and two of its members. Recommendations to deal with them were made in the report submitted to the Head of State. They essentially concern:

Improvement of hygiene conditions within the prison;

Improvement of the health conditions and teaching facilities for children living with their imprisoned mothers;

The establishment of a kindergarten within the prison;

Diversification of branches of activity for prisoners;

Examination of the possibility of conditional release for certain women;

Examination of possible cases for presidential pardon.

In addition, the Committee will shortly publish its first report on the human rights situation in Tunisia (accession of Tunisia to international conventions, Tunisian legislation, practices and achievements).

III.3: International activities

It may first be recalled that the terms of reference of the Committee, under the legislation relating to it, are to "assist the President of the Republic in consolidating and promoting human rights and fundamental freedoms, both nationally and internationally...".

The Committee plays an appreciable role in this area within the framework of its ongoing activities and, in particular, through the missions entrusted to its Chairman.

Information on the situation of human rights and fundamental freedoms:

We may note, by way of example, that 26 foreign delegations were received by the Chairman of the Committee between April 1992 and January 1993. These were individuals from a number of countries who belong to bodies that are directly or indirectly concerned with the various aspects of human rights and fundamental freedoms. We may mention, inter alia, representatives of Amnesty International, the International Federation of Human Rights, the International Red Cross, the International Red Crescent, UNDP etc., and also representatives of non-governmental organizations from a number of countries.

The Chairman of the Committee went on foreign missions by special warrant from the President of the Republic, including a mission to the United States in 1991 to publicize the Committee and its role, explain Tunisian domestic policy concerning political parties and their recognition, and the Tunisian position on certain current national and international problems, etc.

Participation in the work of international and regional bodies concerned with human rights and fundamental freedoms:

The Committee took part, inter alia, in the study session organized from 7 to 9 November 1991 in France by the United Nations Centre for Human Rights with the support of the French National Consultative Commission on Human Rights on the topic "National organizations and their role in the consolidation and protection of human rights".

The Chairman of the Committee took part in the proceedings of international bodies concerned with human rights, in particular those of the Commission on Human Rights of the Economic and Social Council.

Humanitarian mission:

The Chairman of the Committee was unanimously appointed by the Ministers for Foreign Affairs of the member States of the League of Arab States as special envoy of the Secretary-General of the League for a mission to the Government of Iraq to facilitate the freeing of Kuwaiti prisoners in Iraq. During this humanitarian mission he visited Egypt, Iraq, Kuwait and Geneva, making contacts with the authorities of the two countries concerned (Iraq and Kuwait), and with representatives of the International Red Cross, the International Red Crescent and other bodies.

IV. The Committee's achievements:

The Committee has made a positive impact in more than one respect. First of all, and this should be stressed, the Committee was set-up with the intention of consolidating and promoting human rights and fundamental freedoms in a somewhat difficult national and regional context. The President of the Republic's initiative in establishing a commission of inquiry from among the members of the Committee, the first of its kind to be set up in the Republic of Tunisia, in order to shed light on rumours of certain excesses in the field of human rights, has set a highly positive precedent and strengthened the citizen's right to information.

The work carried out by the Committee since its inception may be said to have fulfilled expectations. It is the activities of the commission of inquiry that have had the most immediate effect on respect for and promotion of, human rights and fundamental freedoms.

Acting on the recommendations contained in the commission of inquiry's report, the President of the Republic took two important decisions. He ordered:

A judicial investigation into the abuses reported;

Appropriate measures to ensure respect for, and protection of, human rights in all fields and in all circumstances.

At the meeting of the inner council of ministers on 17 April 1992, on the subject of human rights, at which the Chairman of the Committee was present, the President reiterated his intention of continuously monitoring the execution of the commission of inquiry's recommendations and decreed the measures to be taken to ensure implementation of those recommendations through the State's agencies. The Human Rights Department within the Office of the President of the Republic, and more particularly the Ministry of the Interior and the Ministry of Justice, were instructed to take the necessary measures in order to implement in full the recommendations contained in the commission's report, including legal action, disciplinary measures and, where necessary, compensation for damage and, in doing so, to stress deterrent and organizational aspects, and the awareness campaign necessary in order to prevent a recurrence of such violations.

Subsequently, the Chairman of the Committee was instructed by the president of the Republic, by a letter of 17 April 1992, to prepare a report on the extent to which the recommendations of the commission of inquiry were being implemented (cf., chap. III). A comparison of these recommendations with the conclusion of the report, which was submitted to the President of the Republic in July 1992, shows an extremely positive situation.

1. Within the context of the Ministry of the Interior, a series of measures have been adopted to safeguard human dignity and fully protect human rights:

(a) Measures to improve the performance of the police:

The principal measures taken to this end include:

The introduction of instruction in human rights into the training programmes for senior and junior police officers;

The promulgation of directives to senior police officers urging them to show further respect for human rights and public freedoms, by making them sign a commitment to that effect when they take up their duties;

The issuance of a number of circulars and dissemination of documents relating to human rights and public freedoms, including:

Circular No. 895 of 16 December 1991 on the display in every police station of the text of the oath to be taken by police officers;

Circular No. 904 of 24 December 1991 relating to the dissemination of the United Nations Code of Conduct for Law Enforcement Officials and the need for its enforcement on the broadest possible scale;

Circular No. 6 of 3 January 1992 relating to behaviour towards citizens, which contains an appeal for understanding of the problems of citizens and instructions to treat them courteously and with civility, and to exercise firmness only within the limits allowed by law, without resorting to abuses which would make the offending officer liable to criminal proceedings;

Circular No. 46 of 19 February 1992 relating to the dissemination of the United Nations declaration on rules for the treatment of prisoners;

Circular No. 72 of 24 February 1992 on the signature, by police officers, of the commitment relating to respect for human rights and public freedoms;

The preparation of a handbook establishing the rules of conduct to be observed by law enforcement officials in the area of human rights, and distribution of this handbook to all units to serve as a reference work and basic standard. The handbook includes:

The text of the Tunisian Constitution;

The Declaration of 7 November 1987, the date of the change-over in Tunisia;

The Universal Declaration of Human Rights;

The International Covenant on Civil and Political Rights;

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

The formulation of a coherent continuous training programme and the organization of seminars for police officers on ways of reinforcing cooperation and mutual respect between citizens and police officers;

The publication, at the beginning of this year, of a code of conduct for senior law enforcement officials (police, National Guard, etc.) "with a view to making it a work tool and reference standard determining their conduct in the performance of their duties".

(b) To improve prison conditions:

This includes:

Organizing meetings and seminars to raise awareness among prison governors, essentially in order to define and explain the criteria and elements that will clarify prison policy and underlie the reorganization of prisons, and tc continue to encourage a sense of responsibility among prison staff and provide them with management training. A further intention is to increase activities for prisoners and to promote vocational training programmes in order to facilitate their reintegration into society after release;

Setting up a school, at Bourj Touil, for training and retraining senior and other personnel of the prison and rehabilitation services;

Development, by the Directorate-General for Prison and Rehabilitation Services, of a comprehensive programme to test its staff's knowledge of and understanding of the contents of prison regulations, the results of these tests to be taken into consideration for the purpose of determining performance bonuses and annual assessments;

Establishing prison councils to meet regularly at the unit level, under the supervision of the governor, in order to examine all cases and to send regular reports to the administration so as to resolve difficulties and find appropriate and timely solutions;

Establishing social service cells in all prisons. These cells would be the responsibility of psychologists and sociologists and would be called upon to perform various services for prisoners and their families during imprisonment and after release, including:

Creation of a social fund within each prison, to provide needy prisoners with financial assistance when they are released from prison;

Permission for prisoners to attend the funeral of a deceased relative and other family events;

Establishment of a health service within the Directorate-General for Prison and Rehabilitation Services to be responsible for health care for prisoners; assignment of a full-time doctor to certain prisons, appointment of State-employed doctors specializing in various fields to undertake consultations in each prison;

Careful monitoring of the cases of prisoners who are disabled, elderly or ill, so that as many as possible may be granted conditional release;

Establishment of a central commission which has visited all prisons, interviewed prisoners, listened to their complaints and checked their criminal situation and their rights to amnesty or conditional release;

Establishment of a central commission to study the question of transferring convicted prisoners from one prison to another in order to bring them closer to their families;

Enhancement of vocational training within prisons (increasing the number of training workshops).

(c) <u>To prevent abuses and unlawful practices</u>:

In this connection, the services of the Ministry of the Interior have taken the necessary legal measures against those persons who failed in their duty and exceeded the limits of legality in their dealings with others.

Some officials have been prosecuted. Officials who have been found guilty have been sentenced according to the degree of seriousness of the abuse committed.

Some cases have been dismissed for lack of evidence, but even in these cases the authorities have sometimes taken disciplinary measures against the officials concerned.

It should be pointed out that most of the prisoners interviewed by the Chairman of the Committee when the report was being prepared considered that they had been well treated in prison and stated that they were able to exercise their rights.

As to prisoners who had been ill-treated by certain officials, they stated that the situation had changed for the better, a trend which the Directorate-General of Prisons attributes to the penalties imposed on guilty officials.

2. Within the context of the Ministry of Justice:

A number of initiatives, measures and decisions have been taken. They include measures:

(a) To increase judges' knowledge and further judicial activities in Tunisia:

This involves:

Organizing information courses for judges. The Ministry of Justice has undertaken to develop, in collaboration with certain friendly countries, a programme of courses for judges to give them the opportunity to familiarize themselves with the experiences of other countries and to benefit from them. Exchange visits by judges in Tunisia and other countries have also been planned;

Teaching the principles of human rights at the Higher Institute for the Magistrature, the study of the international conventions ratified by Tunisia, the role of the United Nations and non-governmental organizations in this field, the protection of life and freedom of opinion, respect for equality and the fight against all forms of discrimination. These courses are intended to raise the awareness of the members of the judiciary concerning the importance of human rights in their judicial activities. It has been decided to organize courses and seminars for practising judges in order to acquaint them more fully with the bases of human rights so that the decisions and judgements they have to make can achieve the desired balance between the rights of the individual and the rights of society;

Teaching law relating to juveniles as part of the basic training provided by the Higher Institute for the Magistrature, so as to enable judges to specialize in matters relating to juveniles.

(b) To facilitate citizens' access to justice:

The creation in 1992 of the office of advisory judge, with responsibility for assisting citizens by informing them of the best judicial remedies and the most effective procedure to follow in the furtherance of their interests. In addition, the department has produced a series of guides for citizens to

inform them of the competence of the various courts and of the steps to be taken in order to initiate legal proceedings. This experiment has already had significant results, since it seems to have lessened the stress experienced by ordinary litigants and lightened the court's workloads;

The decision to relieve citizens of having to pay to initiate legal proceedings, so as to allow them to exercise effectively their right to take legal action on an equal footing.

(c) To improve and adapt Tunisian legislation:

Various measures have been taken, including:

The law abolishing forced labour in prisons;

New regulations on police custody and pre-trial detention. The time-limit for holding a person in police custody has been set at four days, which may be extended by a further four days and then two more days, making a total of 10 days. The duration of pre-trial detention has been set at six months, which may be renewed once in the case of an ordinary offence and twice in the case of a serious offence;

The articles of the Code of Penal Procedure relating to minors have been amended to make criminal sanctions exceptional, and to give priority to preventive and rehabilitation measures.

Furthermore, in conformity with the recommendations of the President of the Republic, several commissions have been formed with the participation of numerous specialists to review the text of certain codes and laws, and to formulate draft amendments for their improvement.

3. Concerning the dissemination of human rights principles:

The main provisions of the United Nations Charter and declarations have been introduced into the syllabus at the various levels of education.

(a) At the primary level:

The fundamentals of civic education which aims to instil in young people the values of patriotism, solidarity and respect for the individual have been incorporated into all disciplines.

(b) At the secondary level:

Most of the disciplines taught include, directly or indirectly, elements of human rights. Stress is placed essentially on understanding between peoples and individuals, and non-discrimination between races. The subjects taught instil the values of respect for others, tolerance, openness to other civilizations, human solidarity, dialogue and peace.

(c) At the higher level:

A chair of human rights has been created in each of the four major law faculties in Tunisia. The relevant courses began in December 1991.

Teacher training institutions have been invited to devote more attention to human rights teaching.

4. In the framework of strengthening national mechanisms for protecting human rights:

Human rights units have been set up in a number of ministerial departments in the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Justice and the Ministry of Social Affairs. These units are answerable directly to the Ministers concerned and their essential role is to:

Examine human rights questions submitted by individuals or organizations;

Reply to requests for clarification; and

Make suggestions to encourage the development of human rights.

Of course, these very important measures, which have been decreed by the President of the Republic and implemented in the light of the recommendations of the commission of inquiry, are not the only achievements of the Committee. Further significant measures have been decreed by the President and carried out in accordance with the Committee's recommendations, following the assignments it has been given by special mandate.

Future prospects:

Furthering the cause of human right is a constant struggle.

In Tunisia, human rights are considered as "an indivisible whole", meaning "civil and political rights, as well as economic, social and cultural rights", and their promotion forms an integral part of our vision of our future society. Therefore we must be active on all fronts in a society which is undergoing widespread change and is firmly engaged in a process of development and democratization.

Human rights constitute an area in which vigilance is essential and require the constant promotion and adaptation of action and legislation to ensure that they are observed.

Therefore the Committee, which is now a link in the chain of national human rights institutions will, in order to fulfil expectations, undoubtedly develop its activities and also constantly adapt them to needs as they arise.

Annexes

Document No. 1

HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Decree No. 91-54 of 7 January 1991 relating to the Higher Committee on Human Rights and Fundamental Freedoms.

The President of the Republic,

Considering the Constitution, and in particular article 53 thereof,

Considering the opinion of the Administrative Tribunal,

Hereby decrees:

Article 1: An advisory committee to the President of the Republic, to be known as the "Higher Committee on Human Rights and Fundamental Freedoms", is hereby established.

Article 2: This Committee shall assist the President of the Republic in consolidating and promoting human rights and fundamental freedoms, by:

Giving its opinion on questions submitted to it by the President of the Republic concerning human rights and fundamental freedoms;

Submitting to the President of the Republic proposals for strengthening and promoting human rights and fundamental freedoms, both nationally and internationally;

Conducting studies and research in the sphere of human rights and fundamental freedoms;

Executing all assignments entrusted to it by the President of the Republic in this sphere.

Article 3: The Committee shall be composed of:

(a) Ten eminent persons nationally reputed for their integrity, competence and experience in the sphere of human rights and fundamental freedoms, including two deputies;

(b) Eight eminent persons known for their action in the sphere of human rights and fundamental freedoms and who are members of the principal associations and bodies in this sphere;

(c) One representative of the Ministries of Justice, Foreign Affairs, the Interior, Public Health, Education, Higher Education and Scientific Research, Social Affairs, Culture and Information, and Youth and Children.

Article 4: The President of the Republic shall appoint the eminent persons referred to in article 3 (a) and (b) above. He shall also appoint the Chairman of the Higher Committee. These persons alone shall be entitled to vote.

Article 5: The Committee shall express its views and proposals by consensus or, in the absence of consensus, by a majority of its members.

Article 6: The Committee shall meet twice a year and as necessary when convened by its Chairman or at the request of one third of its members with voting rights.

Article 7: The Committee may, if necessary, consult any person it deems competent in a particular matter.

Article 8: The Committee shall prepare an annual report, which its Chairman shall submit to the President of the Republic.

Article 9: The proceedings and discussions of the Committee shall be confidential.

Article 10: The Committee shall draw up its rules of procedure, which shall be submitted to the President of the Republic for approval.

Article 11: The expenditure of the Committee shall be chargeable to the budget of the Office of the President of the Republic.

Tunis, 7 January 1991.

Document No. 2

HIGHER COMMITTEE ON HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Decree No. 92-2141 of 10 December 1992, amending and supplementing Decree No. 91-54 of 7 January 1991 relating to the Higher Committee on Human Rights and Fundamental Freedoms.

The President of the Republic,

Considering the Constitution, and in particular article 53 thereof,

Considering Decree No. 91-54 of 7 January 1991 relating to the Higher Committee on Human Rights and Fundamental Freedoms,

Considering the opinion of the Administrative Tribunal,

Hereby decrees:

Article 1: The following article 2 bis shall be added to the above-mentioned Decree No. 91-54 of 7 January 1991.

"Article 2 bis: By special mandate of the President of the Republic, the Chairman of the Committee shall undertake visits to prisons and young people's detention and surveillance centres in order to ascertain the extent to which the laws and regulations governing police custody, imprisonment and the detention or surveillance of minors are being complied with.

"After each visit, the Chairman of the Committee shall submit a report to the President of the Republic.

"The Chairman of the Committee may be assisted by two of the Committee's members during each visit."

Article 2: Article 3 of the above-mentioned Decree No. 91-54 of 7 January 1991 is hereby abrogated and shall be replaced by the following provisions:

"Article 3 (new): The Higher Committee shall be composed of:

A. Ten to 14 eminent persons nationally reputed for their honesty, experience and competence in the sphere of human rights and fundamental freedoms, two of whom shall be members of the Chamber of Deputies;

B. Eight eminent persons known for their work in the sphere of human rights and fundamental freedoms and who are members of the most important committees and associations involved in this sphere;

C. One representative of each of the following Ministries: Justice, Foreign Affairs, the Interior, Education and Science, Culture, Public Health, Social Affairs, Youth and Children, and the State Secretariat for Information."

Article 3: The Minister of State, Minister of the Interior, is hereby made responsible for the execution of this Decree, which shall be published in the Journal Officiel of the Republic of Tunisia.

Tunis, 10 December 1992.

Document No. 3

HIGHER COMMITTEE ON HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Decree No. 92-712 of 11 April 1992 approving the rules of procedure of the Higher Committee on Human Rights and Fundamental Freedoms.

The President of the Republic,

Considering Decree No. 91-54 of 7 January 1991 relating to the Higher Committee on Human Rights and Fundamental Freedoms, and in particular article 10 thereof,

Considering the opinion of the Administrative Tribunal,

Hereby decrees:

Article 1: The rules of procedure of the Higher Committee on Human Rights and Fundamental Freedoms, annexed to this Decree, are hereby approved.

Article 2: This Decree shall be published in the Journal Officiel of the Republic of Tunisia.

Tunis, 11 April 1992.

Zine El Abidine Ben Ali

ANNEX

Rules of procedure of the Higher Committee on Human Rights and Fundamental Freedoms

Rule 1: The Higher Committee shall hold two regular sessions a year. The first session shall be held in March and the second in September.

The Committee may, however, hold extraordinary sessions whenever the need arises, on the initiative of its Chairman or at the written request of at least one third of its voting members. In the latter case, the request shall be addressed to the Chairman of the Committee specifying the topic to be discussed.

Rule 2: Notice of the Committee's meetings shall be given by its Chairman or, in his absence, its senior member, not less than two weeks before the date of the meeting.

Rule 3: The Chairman of the Committee or, in his absence, its senior member shall, in consultation with the other members, decide the agenda for the Committee's meeting.

In preparing the list of questions to be considered and their order of consideration, priority shall be given to those which are submitted by the President of the Republic and to any missions which he assigns to the Committee.

The Chairman of the Committee shall preside over its meetings, maintain order, ensure the orderly conduct of voting where necessary and close the proceedings.

The Chairman of the Committee shall act as its spokesman.

Rule 4: The Committee's meetings shall be considered valid only if they are attended by half the members entitled to vote. If there is no quorum at the first meeting, the meeting shall be postponed: notice of the postponed meeting shall be given, if the matter is not urgent, at least one week prior to the date of the meeting.

The second meeting shall be considered valid regardless of the number of members present.

Rule 5: The Committee shall express its views and make proposals by consensus or, failing that, by a majority of the voting members present. Voting shall be by show of hands, unless a majority decides otherwise.

In the event of a tied vote, the Chairman shall have a casting vote.

Rule 6: The Committee's meetings shall be confidential.

The Chairman shall appoint one of the members present to take the minutes of the meeting and shall ensure that records are kept.

Rule 7: The Committee may form a working group to prepare a preliminary study of any matter submitted to it. Each member of the Committee may participate in one or more working groups.

The Committee may consult any specialist whose opinion may be of value in the light of his experience concerning a question before it.

Rule 8: The Committee's Chairman, with the assistance of the chairmen of the working groups and rapporteurs, shall prepare an annual report on the Committee's activities during the year prior to the date of submission of the report.

The Chairman of the Committee shall submit the annual report to the President of the Republic in April each year.